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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,547

03/27/2006

Martin Knespel

AT030053

7144

24737

7590

09/30/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

DALENCOURT, YVES

ART UNIT

PAPER NUMBER

2157

MAIL DATE

DELIVERY MODE

09/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,547	<b>Applicant(s)</b> KNESPEL ET AL.	
	<b>Examiner</b> Yves Dalencourt	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/27/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This office action is responsive to communication filed on 03/27/2006.

### ***Specification***

The abstract of the disclosure is objected to because of the term “ means”.

Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

Claims 1 – 14 are objected to because of the following informalities: It is suggested to delete the parentheses and numbers in the claims.

Also, delete “ these “ (claim 1, line 4) and “ they “ (claim 1, line 12; claim 6, line 3; and claim 10, line 7).

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, the limitation of " in which the network client (6) is attached in the vicinity of the access means (4) is unclear. It is not understood how such client can be attached and being in the vicinity of the access means. It is either attached or in the vicinity of the access means. Based on the drawings (fig. 1), the client network is in the vicinity of the access means, not attached.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 2, 6 – 8, and 10 - 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Takeshi Hodoshima (US 2003/0115339; hereinafter Hodoshima).

Regarding claims 1, 8, and 10 Hodoshima discloses a method for automatic assignment of an identification (SSID2) which designates a network (fig. 2), in which method network server means (1, 7, 10; fig. 2) and access means connected to these network server means are used, said access means (3, 9, 11; fig. 2) being set up for communication with at least one network client (12, fig. 2), wherein the network server means (3) are operated to generate a network (1) which is defined by a provisional, preset identification (SSID1) known to the network client (6) (**paragraphs [0052], [0055], lines 1 – 7; and [0062 - 0064]; Hodoshima discloses that the personal computer receives a beacon transmitted from the access point via the wireless LAN and retrieves a SSID (Service Set Identification) code from the beacon.**), wherein communication is generated between the network server means (3) and the network client (6) via the access means (4) and the network server means (3) send to the network client (6) a new identification (SSID2) which they have generated, and which is used for final designation of the network (1) (paragraphs [0053], [0055], lines 7 – 10; [0057], [0064 – 0065], and [0076]; **Hodoshima discloses that in case where the SSID code thus retrieved is contained in the network connection information file memorized in the personal computer, the content of the network connection information file is written as set values in a registry of the personal computer. Thus, network connection information required for connecting the personal computer to the network is set).**

Regarding claim 2, Hodoshima discloses a method as claimed in claim 1, in which the network (1) is a wireless network (paragraphs [0052 – 0055]).

Regarding claim 6, Hodoshima discloses a method as claimed in claim 1, in which the network server means (3) generate the new identification (SSID2) after they have detected the network client (6) with the provisional, preset identification (SSID1) (paragraphs [0021], [0041], and [0044]).

Regarding claim 7, Hodoshima discloses a method as claimed in claim 1, in which the provisional, preset identification (SSID1) is selected from a group of preset identifications, and the network client (6) has this group of identifications in its memory (paragraphs [0019], [0021], [0044], [0053], and [0075]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3 - 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeshi Hodoshima (US 2003/0115339; hereinafter Hodoshima) in view of Nguyen et al (US 20040253969; hereinafter Nguyen).

Regarding claim 3, Hodoshima discloses substantially all the limitations in claim 1, but fails to specifically disclose that the identification sent by the network server means to the network client is returned to the network server means in modified form, and the identification thus modified is used as final (SSID2) for the network.

However, Nguyen discloses an analogous technique for discovery using a wireless network, which shows the idea of having the identification sent by the network server means to the network client is returned to the network server means in modified form, and the identification thus modified is used as final (SSID2) for the network ( fig. 2; paragraph [0039]; Nguyen discloses that upon receipt of this SSID, AP 220 will decode this information and pass it to host computer 204).

Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Hodoshima by incorporating the idea of having the identification sent by the network server means to the network client is returned to the network server means in modified form, and the identification thus modified is used as final (SSID2) for the network as evidenced by Nguyen for the purpose of facilitating reliable connection between the network client and a network server, thereby assuring reliable connection between clients and servers in a wireless local area network.

Regarding claim 4, Hodoshima and Nguyen discloses all the limitations in claim 1, and Nguyen further discloses that the network server means generate the new identification (SSID2) at least pseudo-randomly (paragraph 0034). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hodoshima as evidenced by Nguyen for the purpose of ensuring that the SSID generated is unique.

Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeshi Hodoshima (US 2003/0115339; hereinafter Hodoshima).

Regarding claims 5 and 9, Hodoshima disclose a method as claimed in claim 2, in which the network client (6) is attached in the vicinity of the access means (4) for setting-up the network (1) with the provisional identification (SSID1) (fig. 2; paragraphs [0066 – 0067], but fails to explicitly disclose that the access means (4) are operated in an operating mode with low transmitting power. However, the Examiner takes “ Official Notice “ that having access means operated in an operating mode with low transmitting power “ is old and well known in the art.

Claims 11 – 14 substantively incorporate all the limitations of claims 1 – 10, but in system form, rather than in method form. The rejection of claims 1 – 10 apply in claims 11 – 14. Therefore, claims 11 – 14 are substantially rejected for the same reasons.



### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Delker et al (US 7263070) discloses a method and system for automating node configuration to facilitate peer-to-peer communication (see at least col. 16, lines 40 – 54).

Peter Balogh (US 20010023446) discloses a method and equipment for accessing a telecommunication network (see paragraphs [0036 – 0040]).

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272 4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 16, 2008

/Yves Dalencourt/

Primary Examiner, Art Unit 2157